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September 17, 2018

BY ECF

Honorable Sandra J. Feuerstein
United States District Judge
United States District Court, Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Bersack v. Nassau County, et al.
17-cv-00622 (SJF)(ARL)

Your Honor:

I represent plaintiff in the above-referenced matter. I write to inform the court I have notified Liora Ben Sorek, Deputy County attorney of my decision to not file opposition to defendants motion for summary judgement.

After speaking with plaintiff regarding the factual basis of his claim and carefully reviewing the discovery material provided by the County Attorney, as well as applicable law, I am unable to raise a material issue of fact to defeat the motion.

Therefore, I am respectfully requesting permission to discontinue the claim against the County and all other named defendants.

Please advise whether I need to file a stipulation of discontinuance with the court.

Respectfully,

Richard M. Gutierrez

To: County of Nassau
Office of County Attorney
One West Street
Mineola, NY 11501
Attn: Liora Ben-Sorek, Deputy County Attorney